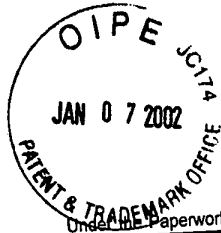


# 25



PTO/SB/64 (10-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
9792909-3755

First named inventor: Kenji Osawa

Group Art Unit: 2814

Application No.: 09/009,248

Examiner: D. Graybill

Filed: 01/20/1998

Title: LEAD FRAME AND SEMICONDUCTOR DEVICE HAVING THE SAME

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee  
☐ Small entity-fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,280.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of RCE and Response C (identify type of reply):  
☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_  
☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

**RECEIVED**

JAN 10 2002

**OFFICE OF PETITIONS  
DEPUTY AG-PATENTS**

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on  
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

10/23/01  
Date

David R. Metzger  
Signature

Telephone  
Number: (312) 876-8000

David R. Metzger  
Typed or printed name  
Sonnenschein Nath & Rosenthal  
P.O. Box 061080, Wacker Drive Station - Sears Tower  
Address

Chicago, IL 60608-1080

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

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Date

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Attorney Docket No. 91-909-3755 (Formerly P97,2636)

U.S. Serial No. 09/009,248

PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

re U.S. Patent Application of:

K. Oh

sawa and H. Makino

Serial No.: 09/009,248

Filed: January 20, 1998

For: LEAD FRAME AND  
SEMICONDUCTOR DEVICE  
HAVING THE SAME

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) Examiner: D. Graybill

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) Group Art Unit: 2814  
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**RESPONSE C**

Assistant Commissioner for Patents

Washington, DC 20231

Dear Sir:

The remarks below are provided in response to the Office Action dated November 11, 2000. The Commissioner is hereby authorized to charge any deficiency in fees associated with this communication, or credit any overpayment to Deposit Account No. 19-3140.

**REMARKS**

In response to the Office Action, dated November 11, 2000, the applicant hereby makes the following response. A Petition to Revive and a CPA were filed on May 18, 2001. The Petition to Revive was granted on June 28, 2001 while the CPA was treated an improper RCE. A Notice of Improper Request for RCE was issued on July 6, 2001. Accordingly, a Notice of Abandonment was issued on August 10, 2001. This application now stands abandoned.

Per a phone conversation with Examiner Graybill on October 17, 2001, a three month extension and fee and the RCE fee is not required in this response. In this response, an RCE, Petition to Revive and response are being filed. Applicants respectfully note that the correct spelling of one of the inventors noted in the Final Office Action is Kenji Ohsawa. Accordingly, a corrected Declaration and Oath will be filed upon execution.

**Rejection Under 35 U.S.C. § 102(e) and 103(c)**

Pending Claims 1-6 and 10-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Ohsawa* (U.S. Patent NO. 5,756,377) or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Ohsawa*.

The Applicants note that *Ohsawa* is improperly cited as a reference under §103(a) against the present patent application because there was common ownership between that patent and the present invention when the present invention was made. 35 U.S.C. §103(c), MPEP §706.02(l). The present patent application and the *Ohsawa* reference were, at the time the present invention was made, owned by or subject to an obligation of assignment to the same person. *Ohsawa* is, and has been, assigned to Sony Corporation of Tokyo, Japan. An assignment of the present invention to Sony Corporation has already been submitted to the USPTO in the present case. Such assignments, therefore, exist in the USPTO's records. Further, as required by §103(c) to

invalidate a reference cited under §103(a), *Ohsawa* qualifies under at least one of §102 (e), §102(f) and §102(g), particularly §102(e). MPEP §706.02(l)(1). Finally, a CPA of the present patent application was filed on November 29, 2000 and therefore the amendments to 35 U.S.C. §103(c) effective November 29, 1999 are applicable in the present case.

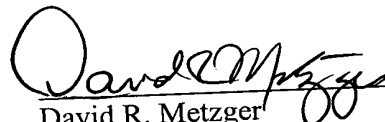
Therefore, the Applicants respectfully submit that the *Ohsawa* reference is improperly cited as a reference under §103(a) against the present patent application, and hence request that this reference be withdrawn.

### CONCLUSION

In view of the foregoing, it is submitted that all of the pending claims are patentable. Further, the Examiner's rejections have been addressed herein. It is, therefore, submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

By its attorney,

  
David R. Metzger  
(Registration No. 32,919)

Date: Oct. 23, 2001

David R. Metzger

SONNENSCHN NATH & ROSENTHAL  
PO Box 061080  
Wacker Drive Station, Sears Tower  
Chicago, IL 60606-1080  
312-876-2622

I hereby certify that this document and any being referred to as attached or enclosed is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on

10/23/01   
Date JoEllen Hogan